June 21, 2005

State Water Resources Control Board
Attention: Debbie Irvin, Clerk to the Board
P.O. Box 100
Sacramento, California 95812-0100

RE: Periodic Review of the 1995 Water Quality Control Plan

Dear Ms. Irvin:

We have been following the progress of the State Water Resources Control Board's (Board's) periodic review of the 1995 Water Quality Control Plan. This letter addresses two of the issues presented during the workshops or in the related submissions by interested members of the public.

**1. "Flexing" the X2 water quality standard**

A number of participants in the Board's workshops have suggested that the Board revise its water quality standards and/or implementation procedures to allow for "flexing" of the Delta outflow standard (the "X2" standard) under certain conditions. We have seen various forms of this proposal, primarily in draft, so our comments are necessarily somewhat general.

We first must make a procedural point. One of the groups working on this proposal is the Water Operations Management Team (WOMT). As reformulated in the most recent Amended and Restated Implementation Memorandum of Understanding (September 2003), the WOMT has as its named members the California Departments of Water Resources and Fish and Game, the U.S. Fish and Wildlife Service and Bureau of Reclamation, the National Marine Fisheries Service, and the U.S. Environmental Protection Agency (USEPA). The WOMT effort performs many vital real-time coordination functions. Nevertheless, given the WOMT's general focus on endangered species and Environmental Water Account issues, the USEPA has not been an active participant of the WOMT recently. For that reason, we want to clarify at the outset that any WOMT submission to the Board on this issue, including their June 6, 2005 memo, does not include the USEPA.

We have three major substantive concerns about flexing the X2 standard. First, structurally, the X2 standard does not lend itself to real time manipulation. The X2 standard is a broad habitat protection standard that was based on observed correlations between six representative species from different trophic levels and the X2 isohaline. As such, it would be

difficult to imagine a real time management process that collects and processes current monitoring information across the underlying trophic levels and provides meaningful daily operational guidance. Contrast this to the current process of flexing the export/inflow ("E/I ratio") standard that currently protects salmonid migration through the Delta. The latter case involves a single species with a relatively known life cycle and significant real time monitoring. Therefore, real time flexing of the E/I standard has a firm scientific/monitoring basis, whereas flexing the X2 standard does not.

Our second concern about this proposal relates to the decline of pelagic species in the Delta. In short, we do not support trading lower protection for the troubled in-Delta aquatic ecosystem (targeted by the X2 standard) for higher protection for relatively healthier migrating salmonids upstream.

Finally, we are concerned that the proposal to flex X2 has become a solution in search of a problem. When the proposal was first advanced, it was justified as a change that could avoid potential adverse upstream fishery impacts caused by in-Delta compliance with the X2 standard. The WOMT recently sponsored a gaming exercise to evaluate the use of X2 flexing. Although the results of that gaming exercise are subject to some interpretation, it does appear from the gaming that adverse upstream fishery impacts can be dealt with under most scenarios with low or no-cost reoperation of project facilities, rather than X2 flexing. We believe that the Board should deal with truly unexpected operational problems through its emergency petition process, rather than by delegating a biologically-questionable flexing process to the WOMT.

**2. South Delta Electrical Conductivity Objective**

The Board sought information regarding the existing southern Delta electrical conductivity objectives, which are set on a seasonal basis to protect salt-sensitive crops. Testimony and exhibits at the Periodic Review workshops provided a range of perspectives. Some supported existing objectives, some requested more protective levels (notably, the South Delta Water Agency, which supported greater protection during in the spring), and upstream agricultural water districts contended that adequate protection could be accomplished with a year-round 1.0 EC objective at Vernalis. It is our assessment that there is not sufficient scientific or technical evidence at this time to support changes in the EC objectives at Vernalis. Information from the crop studies is not specific to conditions in the Delta; the exploratory modeling of Delta impacts is dependent on assumptions regarding operations in the Delta, conditions which could change, particularly with the proposed South Delta Improvements; and the revised CALSIM II model has not yet undergone peer review.

Apart from the primary question of protecting agricultural uses, we are also concerned that changes in the Vernalis standard may have adverse impacts on drinking water source quality.
Municipal water users have emphasized that retaining the existing objectives has the additional benefit of protecting drinking water beneficial uses, given a secondary maximum contaminant level of 900 mmS/cm EC. We would like to highlight and support comments made by the Department of Health Services in its Periodic Review comments (DHS Exh 01). Our agencies are working with the Regional Water Board to develop information and policies to support

appropriate water quality objectives for drinking water.

We look forward to further cooperation with the State as it continues its periodic review of the 1995 Water Quality Control Plan. If there are any questions regarding our comments, please contact me at (415)972-3472.

Sincerely,

Karen Schwinn
Associate Director
Water Division

cc: Kenneth Landau, RWQCB 5
Ronald Milligan, USBR (WOMT)
David Spath, DHS
Joseph Grindstaff, CBDA